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Attorneys for Plaintiffs and Defendants
 NATIONAL RAILROAD PASSENGER
 CORPORATION (AMTRAK) and BNSF
 RAILWAY COMPANY

UNITED STATES DISTRICT COURT
 NORTHER DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

IN RE SEPTEMBER 30, 2011 TRAIN
 ACCIDENT

Case No. C 12-03396-RS

**STIPULATION AND ~~PROPOSED~~ ORDER
 TO EXTEND DISCOVERY DEADLINES**

STIPULATION

The parties in this case, by and through their attorneys of record, hereby stipulate to extend the discovery deadlines set by the Order Granting the Parties Stipulation to Extend Discovery Deadlines dated November 25, 2014. This stipulation shall not affect the pre-trial conference and trial dates that were set by the Court in its Case Management Order dated February 5, 2015, in which the Court continued the trial from June 8, 2015 to January 25, 2016. However, because the discovery deadlines were not addressed in the February 5, 2015 Case Management Order, the parties request that the discovery deadlines also be continued to allow defendants additional time to attempt to resolve the outstanding claim and for all parties to engage in discovery if the additional claim cannot be resolved by settlement.

As reported at the February 5, 2015 Case Management Conference, defendants reached

contingent settlement agreements with all but one claimant, Michael Bailey. Although the parties have been diligently attempting to resolve the outstanding claim, defendants require additional time to complete non-expert and expert discovery with Mr. Bailey and resume settlement negotiations. Defendants are hopeful that they can resolve Mr. Bailey's claim by settlement, which would allow the other pending settlement agreements with the remaining claimants to become finalized. However, in the event that defendants are unable to resolve Mr. Bailey's claim by settlement, all of the parties to this action will require additional time to engage in both non-expert and expert discovery and prepare for trial.

Good cause exists for the requested extensions because the trial date was recently continued to January 25, 2016 to allow additional time for the parties to attempt to resolve Mr. Bailey's claim, yet the discovery deadlines were not continued. Accordingly, the parties request that the discovery deadlines be extended to align with the new trial date and to allow the parties additional time to attempt to resolve Mr. Bailey's claim before engaging in discovery with all plaintiffs.

The current discovery deadlines prejudices the parties who have settled because it would force the parties to engage in discovery despite the fact that the parties have reached contingent settlement agreements and are hopeful that these settlements will soon be finalized. Absent the requested relief, the parties will be forced to expend time and resources on a case that could easily be resolved in a matter of months.

Additionally, the current discovery deadlines prejudices defendants and Mr. Bailey because they do not provide sufficient time to conduct outstanding non-expert and expert discovery while simultaneously attempting to resolve this matter by settlement.

Based on the foregoing, the parties stipulate to the following discovery continuances:

1. The deadline to complete non-expert shall be extended from January 12, 2015 to **October 8, 2015.**
2. The deadline to designate experts in accordance with Rule 26(a)(2) shall be extended from February 9, 2015 to **October 27, 2015.**
3. The deadline to designate supplemental and rebuttal experts in accordance with

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Rule 26(a)(2) shall be extended from March 19, 2015 to **November 20, 2015**.

4. The deadline to complete all expert discovery, including depositions of expert witnesses, shall be extended from April 13, 2015 to **December 21, 2015**.

5. The deadline to hear all pretrial motions shall be extended from April 9, 2015 to **December 18, 2015**.

Dated: March 12, 2015	<p>LOMBARDI, LOPER & CONANT, LLP</p> <p>By: <u>/s/ Kara A. Abelson</u> KARA A. ABELSON Attorneys for Plaintiff/Defendants NATIONAL RAILROAD PASSENGER CORPORATION dba AMTRAK and BNSF RAILWAY COMPANY</p>
Dated: March 12, 2015	<p>POWERS & MILLER</p> <p>By: <u>/s/ Robert F. Bennett</u> R. JAMES MILLER ROBERT F. BENNETT Attorneys for Defendants FIDEL PINON</p>
Dated: March 12, 2015	<p>DEMAS LAW GROUP, P.C.</p> <p>By: <u>/s/ Brad Schultz</u> BRAD SCHULTZ Attorneys for Plaintiff MICHAEL BAILEY</p>

ORDER

WHEREAS, good cause exists for the relief requested herein, the Court hereby makes the foregoing Stipulation the Order of this Court.

IT IS SO ORDERED.

DATED: 3/13/15



Honorable Richard Seeborg
United States District Judge

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